

114TH CONGRESS
2D SESSION

H. R. 2395

AN ACT

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Inspector General Empowerment Act of 2016”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Full and prompt access to all documents.
- Sec. 3. Additional authority provisions for Inspectors General.
- Sec. 4. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.
- Sec. 5. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.
- Sec. 6. Reports required.
- Sec. 7. Public release of misconduct report.
- Sec. 8. No additional funds authorized.

6 **SEC. 2. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.**

7 (a) AUTHORITY.—Section 6 of the Inspector General
8 Act of 1978 (5 U.S.C. App.) is amended—

9 (1) by amending subsection (a)(1) to read as
10 follows:

11 “(1)(A) notwithstanding any other provision of
12 law, except any provision of law enacted by Congress
13 that expressly refers to an Inspector General and ex-
14 pressly limits the right of access by that Inspector
15 General, to have timely access to all records, reports,
16 audits, reviews, documents, papers, recommenda-
17 tions, or other materials available to the applicable
18 establishment which relate to programs and oper-
19 ations with respect to which that Inspector General
20 has responsibilities under this Act; and

1 “(B) except as provided in subsection (i), with
2 regard to Federal grand jury materials protected
3 from disclosure pursuant to Federal Rule of Crimi-
4 nal Procedure 6(e), to have timely access to such in-
5 formation if the Attorney General grants the request
6 in accordance with subsection (g);” and

7 (2) by adding at the end the following new sub-
8 sections:

9 “(g) REQUIREMENTS RELATED TO REQUEST FOR
10 FEDERAL GRAND JURY MATERIALS.—

11 “(1) TRANSMISSION OF REQUEST TO ATTORNEY
12 GENERAL.—If the Inspector General of an establish-
13 ment submits a request to the head of the establish-
14 ment for Federal grand jury materials pursuant to
15 subsection (a)(1), the head of the establishment
16 shall immediately notify the Attorney General of
17 such request.

18 “(2) ATTORNEY GENERAL DETERMINATION.—
19 Not later than 15 days after the date on which a re-
20 quest is submitted to the Attorney General under
21 paragraph (1), the Attorney General shall determine
22 whether to grant or deny the request for Federal
23 grand jury materials and shall immediately notify
24 the head of the establishment of such determination.
25 The Attorney General shall grant the request unless

1 the Attorney General determines that granting ac-
2 cess to the Federal grand jury materials would be
3 likely to—

4 “(A) interfere with an ongoing criminal in-
5 vestigation or prosecution;

6 “(B) interfere with an undercover oper-
7 ation;

8 “(C) result in disclosure of the identity of
9 a confidential source, including a protected wit-
10 ness;

11 “(D) pose a serious threat to national se-
12 curity; or

13 “(E) result in significant impairment of
14 the trade or economic interests of the United
15 States.

16 “(3) TRANSMITTAL OF DETERMINATION TO
17 THE INSPECTOR GENERAL.—

18 “(A) NOTIFICATION OF ATTORNEY GEN-
19 ERAL DETERMINATION.—The head of the estab-
20 lishment shall inform the Inspector General of
21 the establishment of the determination made by
22 the Attorney General with respect to the re-
23 quest for Federal grand jury materials.

24 “(B) COMMENTS BY INSPECTOR GEN-
25 ERAL.—The Inspector General of the establish-

1 ment described under subparagraph (A) may
2 submit comments on the determination sub-
3 mitted pursuant to such subparagraph to the
4 committees listed under paragraph (4) that the
5 Inspector General considers appropriate.

6 “(4) SUBMISSION OF DENIALS TO CONGRESS BY
7 THE ATTORNEY GENERAL.—Not later than 30 days
8 after notifying the head of an establishment of a de-
9 nial pursuant to paragraph (2), the Attorney Gen-
10 eral shall submit a statement that the request for
11 Federal grand jury materials by the Inspector Gen-
12 eral was denied and the reason for the denial to each
13 of the following:

14 “(A) The Committees on Homeland Secu-
15 rity and Governmental Affairs and the Judici-
16 ary of the Senate.

17 “(B) The Committees on Oversight and
18 Government Reform and the Judiciary of the
19 House of Representatives.

20 “(C) Other appropriate committees and
21 subcommittees of Congress.

22 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed as authorizing an Inspector General
24 to publicly disclose information otherwise prohibited from
25 disclosure by law.

1 “(i) EXCEPTION.—Subsections (a)(1)(B) and (g)
 2 shall not apply to requests from the Inspector General of
 3 the Department of Justice.”.

4 (b) SPECIAL PROVISIONS CONCERNING THE DE-
 5 PARTMENT OF JUSTICE.—Section 8E(b) of the Inspector
 6 General Act of 1978 (5 U.S.C. App.) is amended—

7 (1) in paragraph (4), by striking “; and” and
 8 inserting a semicolon;

9 (2) in paragraph (5), by striking the period at
 10 the end and insert “; and”; and

11 (3) by inserting after paragraph (5) the fol-
 12 lowing new paragraph:

13 “(6) shall have access under section 6(a)(1)(A)
 14 to information available to the Department of Jus-
 15 tice under Federal Rule of Criminal Procedure
 16 6(e).”.

17 **SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
 18 **TORS GENERAL.**

19 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-
 20 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—
 21 The Inspector General Act of 1978 (5 U.S.C. App.) is
 22 amended—

23 (1) by inserting after section 6 the following
 24 new section:

1 **“SEC. 6A. ADDITIONAL AUTHORITY.**

2 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
3 dition to the authority otherwise provided by this Act and
4 in accordance with the requirements of this section, each
5 Inspector General, in carrying out the provisions of this
6 Act (or in the case of an Inspector General or Special In-
7 spector General not established under this Act, the provi-
8 sions of the authorizing statute), is authorized to require
9 by subpoena the attendance and testimony of witnesses
10 as necessary in the performance of the functions assigned
11 to the Inspector General by this Act (or in the case of
12 an Inspector General or Special Inspector General not es-
13 tablished under this Act, the functions assigned by the au-
14 thorizing statute), in the case of contumacy or refusal to
15 obey, shall be enforceable by order of any appropriate
16 United States district court. An Inspector General may
17 not require by subpoena the attendance and testimony of
18 any current Federal employees, but may use other author-
19 ized procedures.

20 “(b) NONDELEGATION.—The authority to issue a
21 subpoena under subsection (a) may not be delegated.

22 “(c) PANEL REVIEW BEFORE ISSUANCE.—

23 “(1) APPROVAL REQUIRED.—

24 “(A) REQUEST FOR APPROVAL BY SUB-
25 POENA PANEL.—Before the issuance of a sub-
26 poena described in subsection (a), an Inspector

1 General shall submit a request for approval to
2 issue a subpoena to a panel (in this section, re-
3 ferred to as the ‘Subpoena Panel’), which shall
4 be comprised of three Inspectors General of the
5 Council of the Inspectors General on Integrity
6 and Efficiency, who shall be designated by the
7 Inspector General serving as Chairperson of the
8 Council.

9 “(B) PROTECTION FROM DISCLOSURE.—

10 The information contained in the request sub-
11 mitted by an Inspector General under subpara-
12 graph (A) and the identification of a witness
13 shall be protected from disclosure to the extent
14 permitted by law. Any request for disclosure of
15 such information shall be submitted to the In-
16 spector General requesting the subpoena.

17 “(2) TIME TO RESPOND.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Subpoena Panel shall
20 approve or deny a request for approval to issue
21 a subpoena not later than 10 days after the
22 submission of such request.

23 “(B) ADDITIONAL INFORMATION FOR
24 PANEL.—If the Subpoena Panel determines
25 that additional information is necessary to ap-

1 prove or deny such request, the Subpoena Panel
2 shall request such information and shall ap-
3 prove or deny such request not later than 20
4 days after the submission of such request.

5 “(3) DENIAL BY PANEL.—If a majority of the
6 Subpoena Panel denies the approval of a subpoena,
7 that subpoena may not be issued.

8 “(d) NOTICE TO ATTORNEY GENERAL.—

9 “(1) IN GENERAL.—If the Subpoena Panel ap-
10 proves a subpoena under subsection (c), the Inspec-
11 tor General shall notify the Attorney General that
12 the Inspector General intends to issue the subpoena.

13 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
14 GOING INVESTIGATION.—Not later than 10 days
15 after the date on which the Attorney General is noti-
16 fied pursuant to paragraph (1), the Attorney Gen-
17 eral may object to the issuance of the subpoena be-
18 cause the subpoena will interfere with an ongoing in-
19 vestigation and the subpoena may not be issued.

20 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
21 the Attorney General does not object to the issuance
22 of the subpoena during the 10-day period described
23 in paragraph (2), the Inspector General may issue
24 the subpoena.

1 “(e) REGULATIONS.—The Chairperson of the Council
 2 of the Inspectors General on Integrity and Efficiency, in
 3 consultation with the Attorney General, shall prescribe
 4 regulations to carry out the purposes of this section.

5 “(f) INSPECTOR GENERAL DEFINED.—For purposes
 6 of this section, the term ‘Inspector General’ includes each
 7 Inspector General established under this Act and each In-
 8 spector General or Special Inspector General not estab-
 9 lished under this Act.

10 “(g) APPLICABILITY.—The provisions of this section
 11 shall not affect the exercise of authority by an Inspector
 12 General of testimonial subpoena authority established
 13 under another provision of law.”;

14 (2) in section 5(a)—

15 (A) in paragraph (15), by striking “; and”
 16 and inserting a semicolon;

17 (B) in paragraph (16), by striking the pe-
 18 riod at the end and inserting “; and”; and

19 (C) by inserting at the end the following
 20 new paragraph:

21 “(17) a description of the use of subpoenas for
 22 the attendance and testimony of certain witnesses
 23 authorized under section 6A.”; and

24 (3) in section 8G(g)(1), by inserting “6A,” be-
 25 fore “and 7”.

1 (b) MATCHING PROGRAM AND PAPERWORK REDUC-
2 TION ACT EXCEPTION FOR INSPECTORS GENERAL.—Sec-
3 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
4 App.), as amended by section 2(a), is further amended by
5 adding at the end the following:

6 “(j)(1) In this subsection, the terms ‘agency’, ‘match-
7 ing program’, ‘record’, and ‘system of records’ have the
8 meanings given those terms in section 552a(a) of title 5,
9 United States Code.

10 “(2) For purposes of section 552a of title 5, United
11 States Code, or any other provision of law, a computerized
12 comparison of two or more automated Federal systems of
13 records, or a computerized comparison of a Federal sys-
14 tem of records with other records or non-Federal records,
15 performed by an Inspector General or by an agency in co-
16 ordination with an Inspector General in conducting an
17 audit, investigation, inspection, evaluation, or other review
18 authorized under this Act shall not be considered a match-
19 ing program.

20 “(3) Nothing in this subsection shall be construed to
21 impede the exercise by an Inspector General of any match-
22 ing program authority established under any other provi-
23 sion of law.

24 “(h) Subchapter I of chapter 35 of title 44, United
25 States Code, shall not apply to the collection of informa-

1 tion during the conduct of an audit, investigation, inspec-
 2 tion, evaluation, or other review conducted by the Council
 3 of the Inspectors General on Integrity and Efficiency or
 4 any Office of Inspector General, including any Office of
 5 Special Inspector General.”.

6 **SEC. 4. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**
 7 **OF THE INSPECTORS GENERAL ON INTEG-**
 8 **RITY AND EFFICIENCY.**

9 (a) FUNCTIONS AND DUTIES OF COUNCIL.—Section
 10 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.
 11 App.) is amended—

12 (1) in subparagraph (G), by striking “; and”
 13 and inserting a semicolon;

14 (2) by redesignating subparagraph (H) as sub-
 15 paragraph (I); and

16 (3) by inserting after subparagraph (G) the fol-
 17 lowing new subparagraph:

18 “(H) except for any investigation, inspec-
 19 tion, audit, or review conducted under section
 20 103H of the National Security Act of 1947 (50
 21 U.S.C. 3033), receive, review, and mediate any
 22 disputes submitted in writing to the Council by
 23 an Office of Inspector General regarding an
 24 audit, investigation, inspection, evaluation, or

1 project that involves the jurisdiction of more
2 than one Federal agency or entity; and”.

3 (b) INTEGRITY COMMITTEE.—Section 11(d) of the
4 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
5 ed—

6 (1) in paragraph (5)—

7 (A) in subparagraph (B), by striking “;
8 and” and inserting a semicolon;

9 (B) in subparagraph (C), by striking the
10 period at the end and inserting “; and”; and

11 (C) by inserting at the end the following
12 new subparagraph:

13 “(D) not later than 60 days after the date
14 on which an allegation of wrongdoing is re-
15 ceived by the Integrity Committee, make a de-
16 termination whether the Integrity Committee
17 will initiate an investigation of such allegation
18 under this subsection.”;

19 (2) in paragraph (6)(B)(i), by striking “may
20 provide resources” and inserting “shall provide as-
21 sistance”; and

22 (3) in paragraph (7)—

23 (A) in subparagraph (B)(i)—

24 (i) in subclause (III), by striking “;
25 and” and inserting a semicolon;

1 (ii) in subclause (IV), by striking the
2 period at the end and inserting a semi-
3 colon; and

4 (iii) by inserting at the end the fol-
5 lowing new subclauses:

6 “(V) creating a regular rotation
7 of Inspectors General assigned to in-
8 vestigate complaints through the In-
9 tegrity Committee; and

10 “(VI) creating procedures to
11 avoid conflicts of interest for Integrity
12 Committee investigations.”;

13 (B) by redesignating subparagraph (C) as
14 subparagraph (E); and

15 (C) by inserting after subparagraph (B)
16 the following new subparagraphs:

17 “(C) COMPLETION OF INVESTIGATION.—If
18 a determination is made under paragraph (5) to
19 initiate an investigation, the Integrity Com-
20 mittee—

21 “(i) shall complete the investigation
22 not later than 6 months after the date on
23 which the Integrity Committee made such
24 determination;

1 “(ii) if the investigation cannot be
2 completed within such 6-month period,
3 shall—

4 “(I) promptly notify the congres-
5 sional committees listed in paragraph
6 (8)(A)(iii); and

7 “(II) to the maximum extent
8 practicable, complete the investigation
9 not later than 3 months after the ex-
10 piration of the 6-month period; and

11 “(iii) if the investigation cannot be
12 completed within such 9-month period,
13 shall brief the congressional committees
14 listed in paragraph (8)(A)(iii) every 30
15 days until the investigation is complete.

16 “(D) CONCURRENT INVESTIGATION.—If an
17 investigation of an allegation of wrongdoing
18 against an Inspector General or a staff member
19 of an Office of Inspector General described
20 under paragraph (4)(C) is initiated by a gov-
21 ernmental entity other than the Integrity Com-
22 mittee, the Integrity Committee may conduct
23 any related investigation for which a determina-
24 tion to initiate an investigation was made under

1 paragraph (5) concurrently with the other gov-
 2 ernment entity.”.

3 (c) TECHNICAL CORRECTION; DESIGNEE AUTHOR-
 4 ITY.—Section 11 of the Inspector General Act of 1978 (5
 5 U.S.C. App.) is amended—

6 (1) in subsection (b)(1)(B) by striking “Office
 7 of the Director of National Intelligence” and insert-
 8 ing “Intelligence Community”; and

9 (2) in subsection (d)(2)—

10 (A) in subparagraph (C), by inserting “or
 11 the designee of the Special Counsel” before the
 12 period at the end; and

13 (B) in subparagraph (D), by inserting “or
 14 the designee of the Director” before the period
 15 at the end.

16 **SEC. 5. AMENDMENTS TO THE INSPECTOR GENERAL ACT**
 17 **OF 1978 AND THE INSPECTOR GENERAL RE-**
 18 **FORM ACT OF 2008.**

19 (a) INCORPORATION OF PROVISIONS FROM THE IN-
 20 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-
 21 SPECTOR GENERAL ACT OF 1978.—

22 (1) AMENDMENT.—Section 11(d) of the Inspec-
 23 tor General Act of 1978 (5 U.S.C. App.) is amended
 24 by adding at the end the following new paragraph:

1 “(12) ALLEGATIONS OF WRONGDOING AGAINST
2 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

3 “(A) SPECIAL COUNSEL DEFINED.—In this
4 paragraph, the term ‘Special Counsel’ means
5 the Special Counsel appointed under section
6 1211(b) of title 5, United States Code.

7 “(B) AUTHORITY OF INTEGRITY COM-
8 MITTEE.—

9 “(i) IN GENERAL.—An allegation of
10 wrongdoing against the Special Counsel or
11 the Deputy Special Counsel may be re-
12 ceived, reviewed, and referred for investiga-
13 tion by the Integrity Committee to the
14 same extent and in the same manner as in
15 the case of an allegation against an Inspec-
16 tor General (or a member of the staff of
17 an Office of Inspector General), subject to
18 the requirement that the Special Counsel
19 recuse himself or herself from the consider-
20 ation of any allegation brought under this
21 paragraph.

22 “(ii) COORDINATION WITH EXISTING
23 PROVISIONS OF LAW.—This paragraph
24 does not eliminate access to the Merit Sys-
25 tems Protection Board for review under

1 section 7701 of title 5, United States
2 Code. To the extent that an allegation
3 brought under this subsection involves sec-
4 tion 2302(b)(8) of that title, a failure to
5 obtain corrective action within 120 days
6 after the date on which that allegation is
7 received by the Integrity Committee shall,
8 for purposes of section 1221 of such title,
9 be considered to satisfy section
10 1214(a)(3)(B) of that title.

11 “(C) REGULATIONS.—The Integrity Com-
12 mittee may prescribe any rules or regulations
13 necessary to carry out this paragraph, subject
14 to such consultation or other requirements as
15 might otherwise apply.”.

16 (2) CONFORMING AMENDMENT.—Section 7(b)
17 of the Inspector General Reform Act of 2008 (Public
18 Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note)
19 is repealed.

20 (b) AGENCY APPLICABILITY.—

21 (1) AMENDMENTS.—The Inspector General Act
22 of 1978 (5 U.S.C. App.), as amended by section
23 3(a), is further amended—

24 (A) in section 8M—

25 (i) in subsection (a)(1)—

1 (I) by striking “agency” the first
2 place it appears and inserting “Fed-
3 eral agency and designated Federal
4 entity”; and

5 (II) by striking “agency” the sec-
6 ond and third place it appears and in-
7 serting “Federal agency or designated
8 Federal entity”; and

9 (ii) in subsection (b)—

10 (I) in paragraph (1), by striking
11 “agency” and inserting “Federal
12 agency and designated Federal enti-
13 ty”; and

14 (II) in paragraph (2)—

15 (aa) in subparagraph (A),
16 by striking “agency” and insert-
17 ing “Federal agency and des-
18 ignated Federal entity”; and

19 (bb) in subparagraph (B),
20 by striking “agency” and insert-
21 ing “Federal agency and des-
22 ignated Federal entity”; and

23 (B) in section 11(c)(3)(A)(ii), by striking
24 “department, agency, or entity of the executive

1 branch” and inserting “Federal agency or des-
2 ignated Federal entity”.

3 (2) IMPLEMENTATION.—Not later than 180
4 days after the date of the enactment of this Act, the
5 head and the Inspector General of each Federal
6 agency and each designated Federal entity (as such
7 terms are defined in sections 12 and 8G of the In-
8 spector General Act of 1978 (5 U.S.C. App.), re-
9 spectively) shall implement the amendments made by
10 this subsection.

11 (c) REQUIREMENTS FOR INSPECTORS GENERAL
12 WEBSITES.—Section 8M(b)(1) of the Inspector General
13 Act of 1978 (5 U.S.C. App.) is amended—

14 (1) in subparagraph (A), by striking “report or
15 audit (or portion of any report or audit)” and insert-
16 ing “audit report, inspection report, or evaluation
17 report (or portion of any such report)”; and

18 (2) by striking “report or audit (or portion of
19 that report or audit)” and inserting “report (or por-
20 tion of that report)”, each place it appears.

21 (d) CORRECTIONS.—

22 (1) EXECUTIVE ORDER NUMBER.—Section
23 7(c)(2) of the Inspector General Reform Act of 2008
24 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.

1 501 note) is amended by striking “12933” and in-
2 serting “12993”.

3 (2) PUNCTUATION AND CROSS-REFERENCES.—
4 The Inspector General Act of 1978 (5 U.S.C. App.),
5 as amended by section 3(a) and subsection (b), is
6 further amended—

7 (A) in section 4(b)(2)—

8 (i) by striking “8F(a)(2)” and insert-
9 ing “8G(a)(2)”, each place it appears; and

10 (ii) by striking “8F(a)(1)” and insert-
11 ing “8G(a)(1)”;

12 (B) in section 6(a)(4), by striking “infor-
13 mation, as well as any tangible thing)” and in-
14 serting “information), as well as any tangible
15 thing”;

16 (C) in section 8G(g)(3), by striking “8C”
17 and inserting “8D”; and

18 (D) in section 5(a)(13), by striking
19 “05(b)” and inserting “804(b)”.

20 (3) SPELLING.—The Inspector General Act of
21 1978 (5 U.S.C. App.), as amended by section 3(a),
22 subsection (b), and paragraph (2), is further amend-
23 ed—

24 (A) in section 3(a), by striking “subpena”
25 and inserting “subpoena”;

1 (B) in section 6(a)(4), by striking “sub-
 2 pena” and “subpenas” and inserting “sub-
 3 poena” and “subpoenas”, respectively;

4 (C) in section 8D(a)—

5 (i) in paragraph (1), by striking “sub-
 6 penas” and inserting “subpoenas”; and

7 (ii) in paragraph (2), by striking
 8 “subpena” and inserting “subpoena”, each
 9 place it appears;

10 (D) in section 8E(a)—

11 (i) in paragraph (1), by striking “sub-
 12 penas” and inserting “subpoenas”; and

13 (ii) in paragraph (2), by striking
 14 “subpena” and inserting “subpoena”, each
 15 place it appears; and

16 (E) in section 8G(d), by striking “sub-
 17 pena” and inserting “subpoena”.

18 (e) REPEAL.—Section 744 of the Financial Services
 19 and General Government Appropriations Act, 2009 (divi-
 20 sion D of Public Law 111–8; 123 Stat. 693) is repealed.

21 **SEC. 6. REPORTS REQUIRED.**

22 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-
 23 SPECTOR GENERAL.—

24 (1) GAO STUDY REQUIRED.—The Comptroller
 25 General shall conduct a study of prolonged vacancies

1 in the Offices of Inspector General, during which a
2 temporary appointee has served as the head of the
3 office that includes—

4 (A) the number and duration of Inspector
5 General vacancies;

6 (B) an examination of the extent to which
7 the number and duration of such vacancies has
8 changed over time;

9 (C) an evaluation of the impact such va-
10 cancies have had on the ability of the relevant
11 Office of the Inspector General to effectively
12 carry out statutory requirements; and

13 (D) recommendations to minimize the du-
14 ration of such vacancies.

15 (2) COMMITTEE BRIEFING REQUIRED.—Not
16 later than 9 months after the date of the enactment
17 of this Act, the Comptroller General shall present a
18 briefing on the findings of the study described in
19 subsection (a) to the Committee on Oversight and
20 Government Reform of the House of Representatives
21 and the Committee on Homeland Security and Gov-
22 ernmental Affairs of the Senate.

23 (3) REPORT TO CONGRESS.—Not later than 15
24 months after the date of the enactment of this Act,
25 the Comptroller General shall submit a report on the

1 findings of the study described in subsection (a) to
2 the Committee on Oversight and Government Re-
3 form of the House of Representatives and the Com-
4 mittee on Homeland Security and Governmental Af-
5 fairs of the Senate.

6 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-
7 FICES OF INSPECTOR GENERAL.—

8 (1) EXAMINATION REQUIRED.—The Council of
9 the Inspectors General on Integrity and Efficiency
10 shall conduct an analysis of critical issues that in-
11 volve the jurisdiction of more than one individual
12 Federal agency or entity to identify—

13 (A) each such issue that could be better
14 addressed through greater coordination among,
15 and cooperation between, individual Offices of
16 Inspector General;

17 (B) the best practices that can be em-
18 ployed by the Offices of Inspector General to in-
19 crease coordination and cooperation on each
20 issue identified; and

21 (C) any recommended statutory changes
22 that would facilitate coordination and coopera-
23 tion among Offices of Inspector General on crit-
24 ical issues.

1 (2) REPORT TO CONGRESS.—Not later than 1
2 year after the date of the enactment of this Act, the
3 Council of the Inspectors General on Integrity and
4 Efficiency shall submit a report on the findings of
5 the analysis described in subsection (a) to the Com-
6 mittee on Oversight and Government Reform of the
7 House of Representatives and the Committee on
8 Homeland Security and Governmental Affairs of the
9 Senate.

10 **SEC. 7. PUBLIC RELEASE OF MISCONDUCT REPORT.**

11 (a) PUBLIC RELEASE BY INSPECTORS GENERAL OF
12 REPORT OF MISCONDUCT.—Section 4(a) of the Inspector
13 General Act of 1978 (5 U.S.C. App.) is amended—

14 (1) in paragraph (4), by striking “; and” and
15 inserting a semicolon;

16 (2) in paragraph (5), by striking the period and
17 inserting “; and”; and

18 (3) by inserting at the end the following new
19 paragraph:

20 “(6) to make publicly available a final report on
21 any administrative investigation that confirms mis-
22 conduct, including any violation of Federal law and
23 any significant violation of Federal agency policy, by
24 any senior Government employee (as such term is
25 defined under section 5(f)), not later than 60 days

1 after issuance of the final report, ensuring that in-
2 formation protected under section 552 of title 5,
3 United States Code (commonly known as the ‘Free-
4 dom of Information Act’), section 552a of title 5,
5 United States Code (commonly known as the ‘Pri-
6 vacy Act of 1974’), and section 6103 of the Internal
7 Revenue Code of 1986 is not disclosed.”.

8 (b) REPORTS OF MISCONDUCT IN SEMIANNUAL RE-
9 PORTS.—Section 5 of the Inspector General Act of 1978
10 (5 U.S.C. App.), as amended by section 2(a)(2), is further
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (16), by striking “; and”
14 and inserting a semicolon;

15 (B) in paragraph (17), by striking the pe-
16 riod at the end and inserting a semicolon;

17 (C) by inserting at the end the following
18 new paragraphs:

19 “(18) statistical tables showing—

20 “(A) the total number of investigative re-
21 ports issued during that reporting period;

22 “(B) the total number of persons referred
23 to the Department of Justice for criminal pros-
24 ecution during that reporting period;

1 “(C) the total number of persons referred
2 to State and local prosecutive authorities for
3 criminal prosecution during that reporting pe-
4 riod; and

5 “(D) the total number of indictments and
6 criminal informations during that reporting pe-
7 riod that have resulted from any prior referral
8 to prosecutive authorities;

9 “(19) a description of the metrics used for de-
10 veloping the data for the statistical tables under
11 paragraph (18);

12 “(20) detailed descriptions of each investigation
13 conducted by the Office involving a senior Govern-
14 ment employee where allegations of misconduct were
15 substantiated, including a detailed description of—

16 “(A) the facts and circumstances of the in-
17 vestigation; and

18 “(B) the status and disposition of the mat-
19 ter, including—

20 “(i) if the matter was referred to the
21 Department of Justice, the date of the re-
22 ferral; and

23 “(ii) if the Department of Justice de-
24 clined the referral, the date of the declina-
25 tion; and

1 “(21) a list and summary of the particular cir-
2 cumstances of each—

3 “(A) inspection, evaluation, and audit con-
4 ducted by the Office that is closed and was not
5 disclosed to the public; and

6 “(B) investigation conducted by the Office
7 that is closed and was not disclosed to the pub-
8 lic involving a senior Government employee.”;
9 and
10 (2) in subsection (f)—

11 (A) in paragraph (5), by striking “and” at
12 the end;

13 (B) in paragraph (6), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(7) the term ‘senior Government employee’
17 means—

18 “(A) an officer or employee in the execu-
19 tive branch (including a special Government
20 employee as defined in section 202 of title 18,
21 United States Code) who occupies a position
22 classified at or above GS–15 of the General
23 Schedule or, in the case of positions not under
24 the General Schedule, for which the rate of
25 basic pay is equal to or greater than 120 per-

1 cent of the minimum rate of basic pay payable
2 for GS–15 of the General Schedule; and

3 “(B) any commissioned officer in the
4 Armed Forces in pay grades O–6 and above.”.

5 **SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.**

6 No additional funds are authorized to carry out the
7 requirements of this Act and the amendments made by
8 this Act. Such requirements shall be carried out using
9 amounts otherwise authorized.

Passed the House of Representatives June 21, 2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 2395

AN ACT

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.